

## EXHIBIT 2

IN THE DISTRICT COURT FOR THE  
STATE OF OKLAHOMA, OKLAHOMA COUNTY

APRYL SWATSKY,

Plaintiff,

v.

METROPOLITAN LIFE INSURANCE  
COMPANY

Defendants.

CJ-2017-4443  
Case No. CJ-17-

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

PETITION

AUG - 4 2017

RICK WARREN  
COURT CLERK

50

1. This is an action brought pursuant to 29 U.S.C § 1001, et. seq.  
(ERISA).
2. The Court has jurisdiction pursuant to ERISA.
3. Plaintiff is a citizen of Comanche County, Oklahoma; defendant does business and has significant contacts in Oklahoma County, Oklahoma.
4. Jurisdiction and venue in this court are proper.

FIRST CAUSE OF ACTION

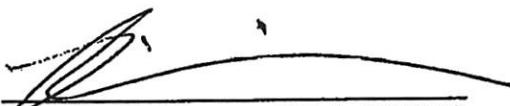
5. Plaintiff is the primary beneficiary of her late husband David Swatsky's employee welfare benefit life and accidental death insurance plan(s). Upon information and belief, the insurance was issued and administered by defendant. The plan(s) provided for

payment of insurance benefits to Plaintiff in the event of the death of Mr. Swatsky.

6. Unfortunately, Mr. Swatsky died on or about April 16, 2016.
7. At all relevant times, Plaintiff's decedent was covered by the plan(s).
8. Plaintiff made a claim for the death benefits provided by the plan(s), and complied with all relevant administrative procedures regarding her claim and appeal for the benefits at issue; Defendant denied Plaintiff's claim as well as her administrative appeal of said denial.
9. Defendant denied Plaintiff a full and fair review of her claim and appeal, in violation of ERISA's statutory and regulatory mandates.
10. Defendant's denial of benefits is contrary to the benefit plan's express provisions and constitutes an abuse of discretion as well as a breach of Defendant's fiduciary and other ERISA-imposed duties.
11. As a result of Defendants' acts and omissions, Plaintiff has been damaged in the amount of accrued benefits; Plaintiff has also incurred legal costs and attorney's fees.
12. Plaintiff has exhausted all administrative remedies and this action is timely filed.

Wherefore, Plaintiff seeks an award of damages and all appropriate relief under ERISA's remedial scheme for the full amount of the benefits at issue, pursuant to 29 U.S.C 1332 §§ (a)(1)(B), including costs, interest and attorney's fees.

Respectfully Submitted,



Roy S. Dickinson, OBA #13266  
1408 Winding Ridge Rd.  
Norman, OK 73072  
(405) 321-3288  
(405)973-2204 (fax)  
Roy.d@coxinet.net

**ATTORNEY'S LIEN CLAIMED**